

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JOÃO RICARDO DEBORBA,

Defendant-Appellant.

No. 24-3304

D.C. No. 3:22-cr-05139-DGE

Western District of Washington

**UNITED STATES' UNOPPOSED MOTION FOR LEAVE
TO FILE SUPPLEMENTAL BRIEF**

The United States moves for leave to file a supplement to its answering brief. Defendant-appellant João Ricardo DeBorba, through counsel Becky Fish, does not oppose this motion.

DeBorba filed his opening brief in October 2024 (Dkt. 11), the government filed its answering brief in January 2025 (Dkt. 23), and DeBorba filed his reply brief in March 2025 (Dkt. 41).

The government later twice requested that the Court hold this appeal in abeyance to allow the government to further consider its position because of Executive Order 14206, *Protecting Second Amendment Rights* (Feb. 7, 2025), in which the President directed the

Attorney General to examine all executive actions and present a proposed plan to protect the Second Amendment rights of all Americans. Dkt. 44, 50. The Court granted both requests. Dkt. 45, 49, 51. The current stay expires June 2, 2025: “If no motion for further relief is filed by this date, the stay of appellate proceedings will be lifted, and this case will proceed.” Dkt. 51.

The government now seeks leave to file a supplemental brief on one of DeBorba’s claims—his Second Amendment challenge to his conviction under Count 7 for possessing an unregistered silencer.

As explained in the supplemental brief, the government’s view is that the Second Amendment protects firearm accessories and components such as silencers. As a result, restrictions on the possession of silencers burden the right to bear arms, and a ban on possessing silencers or other similar accessories would be unconstitutional. But the National Firearms Act’s registration and taxation requirement is constitutional because it imposes a modest burden on a firearm accessory consistent with this nation’s historical tradition, as silencers are specially adaptable to criminal misuse. So DeBorba’s conviction under Count 7 for

possessing an unregistered silencers should be affirmed, along with his other convictions.

For these reasons, the government requests leave to file the attached supplemental brief.

May 30, 2025

Respectfully submitted,

TEAL LUTHY MILLER
Acting United States Attorney

s/ Jonas Lerman
JONAS LERMAN
TANIA M. CULBERTSON
Assistant United States Attorney

CERTIFICATE OF COMPLIANCE

Under FRAP 27(d)(A) and 32(g) and Ninth Circuit Rules 27-1, 32-1(e), and 32-3, I certify that this motion is proportionally spaced in 14-point Century Schoolbook font and contains 312 words (equivalent to 1.1 pages under the 280-word conversion formula in Circuit Rule 32-3(2)).

May 30, 2025

s/ Jonas Lerman _____
JONAS LERMAN
Assistant United States Attorney